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October 4, 2011

**By ECF**

Honorable Magistrate Judge Steven M. Gold  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Government Employees Ins. Co., et al. v. Nelly Razzakova, L.Ac., et al.**  
**Docket No. CV 11-03247**  
**RR File No.: 5100-43**

Dear Magistrate Judge Gold:

This firm represents plaintiffs (collectively, "GEICO") in the above-referenced action. GEICO respectfully submits this letter in response to the September 30, 2011 letter filed by defendants represented by Gary Tsirelman, P.C. (collectively, "Tsirelman Defendants").

The purpose of the letter from the Tsirelman Defendants is not clear, as Judge Block has already stated that "Defendant Kapustina and other defendants intend on moving to compel arbitration based on the contracts and a similar motion is pending before J. Gleeson in another case. The parties should hold off on any motion practice until J. Gleeson issues a decision in his case." See September 29, 2011 minute entry.

In fact, Attorney Tsirelman obtained an extension of time to respond to the complaint for the *non-defaulting* Tsirelman Defendants to September 30, 2011. On or about September 28, Attorney Tsirelman sent a letter to Judge Block indicating an intent to file a motion to refer GEICO's claims to arbitration. This notice is somewhat vague, but to the extent Attorney Tsirelman requests that the Court deems this letter to be a request for a pre-motion conference (joining with the other defendants who have filed a pre-motion letter) GEICO has no objection, but only as to the *non-defaulting* Tsirelman defendants.

GEICO specifically notes that the prior extension of time to respond to the complaint granted by the Court and Judge Block's minute entry both do not apply to the following defendants, who are in default and were

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denied an extension of time to respond: Ilona Abitbol, L.Ac., Alpha Acupuncture, P.C., Easy Care Acupuncture, P.C., Karina K Acupuncture, P.C., Ada Kulagina, L.Ac., NR Acupuncture, P.C., Nellya Razzakova, L.Ac., SML Acupuncture, P.C., and Urban Well Acupuncture, P.C. *See Docket Nos. 63-7.*

Finally, GEICO notes that Judge Block has not granted any stay or delay in any other aspect of this matter beyond the proposed motion practice relating to the complaint.

Respectfully submitted,

RIVKIN RADLER LLP

/s/

Michael A. Sirignano (MS 5263)

MAS/lg

cc: All counsel via ECF